

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOE HAND PROMOTIONS, INC.,

Plaintiff,

vs.

No. CIV 15-216 BRB/SCY

CHARLIE'S SANDBOX, SANDBAR SPORTS
BAR AND GRILL, THE SANDBOX GROUP, LLC,
SB ABQ, LLC, NEW MEXICO BREWING SYSTEMS, LTD.,
DUKE CITY FOOD TRUCKS, JOE LOPEZ, and JOE LUJAN,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Steven C. Yarbrough's September 1, 2015 Proposed Findings and Recommended Disposition ("PFRD") (*Doc. 10*). In the PFRD, Judge Yarbrough recommends that the Court dismiss Defendants The SandBox Group, LLC and Duke City Food Trucks because Plaintiff failed to serve them (1) within 120 days of filing, as required by Federal Rule of Civil Procedure 4(m), and (2) by the extended service deadline of August 21, 2015, as required by Judge Yarbrough's July 31, 2015 Order Setting Service Deadline. PFRD at 1–2. Plaintiff has not filed any objections to the PFRD, thereby waiving its right to have the Court review the proposed dismissal of these Defendants. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Nonetheless, the Court has reviewed the record and agrees that dismissal without prejudice of Plaintiff's claims against these two Defendants is the appropriate course of action.

IT IS THEREFORE ORDERED THAT:

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 10*)

is ADOPTED.

2. Defendants The SandBox Group, LLC and Duke City Food Trucks are dismissed without prejudice from this action.

Bobby R. Baldock
United States Circuit Judge
Sitting by Designation